



**CITY OF KINGSTON
AGENDA
PLANNING COMMITTEE
MEETING NO. 01-2008
December 6, 2007
6:30 p.m. Council Chambers, City Hall**

COMMITTEE COMPOSITION

Councillor W. Glover *Councillor D. Hector*
Councillor R. Matheson *Councillor L. Osanic*
Councillor V. Schmolka *Councillor E. Smith*

Please provide regrets to Sunni Rideout, Committee Clerk at 613-546-4291, Ext. 1219

The Planning Committee will hold three (3) Public Meetings this evening.

**PUBLIC MEETING
HELD PURSUANT TO THE PLANNING ACT
6:30 p.m.**

APPLICATION FOR DRAFT PLAN OF SUBDIVISION

Application for Draft Plan of Subdivision to establish a single block subdivision and to facilitate future applications for Part Lot Control Lift as development progresses

File No. D12-027-2007

**Admiral's Walk Residence Inc., - Applicant
IBI Group – Agent
1102, 1106 & 1110 King Street West**

See Report PC-08-003
(Pages 14 - 24)

**PUBLIC MEETING
HELD PURSUANT TO THE PLANNING ACT
6:30 p.m.**

APPLICATION FOR ZONING BY-LAW AMENDMENT

To modify existing Special Restricted 'A1-49' Zone, Zoning By-Law No. 32-74 for the purpose of permitting the establishment of a semi-detached dwelling use in place of the permitted duplex dwelling use.

File No. D14-099-2007

**Bruce West & Sherry Gibbs, Applicant
2649 Highway #15**

See Report PC-08-002
(Pages 25 - 38)

**PUBLIC MEETING
HELD PURSUANT TO THE PLANNING ACT
6:30 p.m.**

**APPLICATION FOR OFFICIAL PLAN AMENDMENT
AND ZONING BY-LAW AMENDMENT**

To permit the establishment of a Garden Centre on a 7.93 hectares portion of a 40 hectares parcel of land. The proposed garden centre would include a 2700 square metre green house building, a 900 square metre retail building and a 13060 square metre nursery stock display area and storage

File Nos. D09-031-2007 and D14-101-2007

**Kingston Nurseries Inc., Applicant
IBI Group – Agent
2611 Highway #15**

See Report PC-08-004
(Pages 39 - 61)

1. MEETING TO ORDER

2. APPROVAL OF AGENDA

3. CONFIRMATION OF MINUTES

- Unconfirmed Minutes of Planning Meeting No. 16-2007 held Thursday, October 18, 2007 [distributed separately on November 30, 2007]
- Unconfirmed Minutes of Planning Meeting No. 17-2007 held Thursday, November 1, 2007 [distributed separately on November 30, 2007]
- Unconfirmed Minutes of Planning Meeting No. 18-2007 held Thursday, November 15, 2007 [distributed separately on November 23, 2007]

4. DISCLOSURE OF PECUNIARY INTEREST

5. DELEGATIONS / BRIEFINGS

Baird Sampson Neuert Architects will make a presentation of the Downtown and Harbour Area Architectural Guidelines Study

[Report No. PC-08-001 attached as Schedule pages 62 – 71]

6. BUSINESS

- i) **Downtown and Harbour Area Architectural Guidelines Study –
Final Report, December 6, 2007**

(Report No. PC-08-001)
(See Pages 62 - 71)

[Exhibit 'D' – Final Report – Downtown and Harbour Area Architectural Guidelines Study prepared by Baird Sampson Neuert Architects was distributed separately on December 20, 2007]

For discussion and approval of the following recommendation:

THEREFORE BE IT RESOLVED that it be recommended to Council that the Downtown and Harbour Area Architectural Guidelines Study Final Report, prepared by Baird Sampson Neuert Architects, dated December 6, 2007, be received in fulfillment of the Study's Terms of Reference (RFP No. CDS-PD-1- 2006);

AND BE IT FURTHER RESOLVED that the recommendations of the Downtown and Harbour Architectural Guidelines Study Final Report be considered as part of the Official Plan Review and Zoning By-law Review; and

AND BE IT FURTHER RESOLVED that the Downtown and Harbour Architectural Guidelines Final Report be referred to other City staff for consideration of the non-planning recommendations.

ii) **PUBLIC HEARING AND COMPREHENSIVE REPORT**
Zoning By-Law Amendment
2649 Highway #15
Applicant: Bruce West & Sherry Gibbs
File No. D14-099-2007

(Report No. PC-08-002)
(See Pages 25 - 38)

For discussion and approval of the following recommendation:

THEREFORE BE IT RESOLVED that, subject to the comments received at the public meeting, it be recommended to Council that the Application for Zoning By-Law Amendment (Our File No. D14-099-2007) submitted by Sherry Gibbs and Bruce West for the property municipally known as 2649 Highway # 15, **BE APPROVED**.

AND BE IT FURTHER RESOLVED that it be recommended to Council that the former Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

1. That the following Section 23(3)(ww) be amended as follows:

“(ww) A1-49 2649 Highway #15 (Amending By-Law 2007-___)

Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(e) hereof to the contrary, the lands zoned as "A1-49" on Schedule 'A' attached hereto, shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a semi-detached dwelling house, a home occupation, and a public use in accordance with the following provisions:

(i) Lot Area (minimum) - 2 hectares”

2. **AND BE IT FURTHER RESOLVED** that the Amending By-Law be presented to City Council for all three readings.

iii) **Application for Site Plan Control Approval**
File No. D11-160-2007
Peter Splinter
2437 Princess Street

(Report No. PC-08-005)
(See Pages 72 - 82)

For discussion and approval of the following recommendation:

WHEREAS an application for Site Plan Control has been submitted by Peter Splinter, for the lands known municipally as 2437 Princess Street, to construct a 1,720 square metre retail building as Phase 1 of the redevelopment of this site; and

WHEREAS a member of Council requested that the Site Plan Control Application be referred to Planning Committee for final approval; and

WHEREAS the application has been reviewed by City Departments and outside Agencies and there are no technical requirements which cannot be addressed by the Applicant;

THEREFORE BE IT RESOLVED that it be recommended to Planning Committee that the application for Site Plan Control Approval (Our File No. D11-160-2007) submitted by Peter Splinter respecting the parcel of land known municipally as 2437 Princess Street, requesting approval for the construction of a 1,720 square metre retail building be **APPROVED IN PRINCIPLE**.

AND BE IT FURTHER RESOLVED that the application be referred back to staff and that the Director of Planning and Development be authorized to issue final approval subject to:

- (a) All outstanding technical issues being resolved to the satisfaction of the City;
- (b) The Owner entering into a Site Plan Control Agreement with the City which shall list the approved plans and any special municipal conditions pertaining to the development; and
- (c) The Owner submitting the required security.

- iv) **COMPREHENSIVE REPORT (File No. D09-030-2007 & D14-097-2007)**
Official Plan and Zoning By-Law Amendment
84 Stephen Street
Rogers and Trainor-Agent, Bruce Mitchell-Owner

(Report No. PC-08-006
(See Pages 83 - 100)

For discussion and approval of the following recommendation:

THEREFORE BE IT RESOLVED that it be recommended to Council that the application for Official Plan Amendment (Our File No. D09-030-2007) submitted by Rogers and Trainor, for the property located at 84 Stephen Street, **BE APPROVED**.

AND BE IT FURTHER RESOLVED that it be recommended to Council that the City of Kingston Official Plan be amended as follows:

1. The Official Plan for the City of Kingston, as amended, is hereby further amended by the following map change which shall constitute **Amendment No. 37** to the Official Plan for the City of Kingston.
 - a) **AMEND** Schedule 'C', 'Site and Area Specific Policies', of the City of Kingston Official Plan, so as to designate the property located at 84 Stephen Street, as shown on Schedule 'A' to By-Law No. 2007-__, as 'Site Specific Policy Area No. 36'.
2. That the Official Plan for the City of Kingston, as amended, be further amended by adding the following new Site Specific Policy as Section 4.8(r):

"(r) **84 Stephen Street (Amending By-Law No. 2007-__)**

It is recognized that 84 Stephen Street is located within the Residential designation, however, the existing building was constructed as an office in 1968 and has historically been used as such. The site and building have been appropriately developed for office use and therefore, it shall be the policy of Council to permit professional office use within the existing building on this property.

At the time this property is redeveloped, development shall be subject to the Residential designation policies."

AND BE IT FURTHER RESOLVED that it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-97-2007) submitted by Rogers and Trainor, for the property located at 84 Stephen Street, **BE APPROVED**.

AND BE IT FURTHER RESOLVED that Zoning By-Law No. 8499, City of Kingston Zoning By-Law, as amended, be further amended as follows:

1. That Zone Map No. 17 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the lands known municipally as 84 Stephen Street from 'A' to 'A.375' as shown on Schedule 'A' to By-Law No. 2007-__.
2. By adding the following as Part VIII-Exceptions to the Various Zone Classifications, Section 375:

"375. **84 Stephen Street**

On the approximately 3199 square metre parcel of land known as 84 Stephen Street and zoned as 'A.375' on Zoning Map No. 17 attached to and forming part of amending By-Law 2007-____, the following provisions shall apply:

- i) The following use shall also be permitted:
Professional office use within the building existing as of the date of the passing of this By-Law.
- ii) **Outdoor Storage/Outdoor Display**
Outdoor storage and outdoor display associated with a professional office use shall not be permitted.
- iii) **Deemed to comply**
The building and site development existing as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this Zoning By-Law.
- iv) In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 6 of this By-Law."

AND BE IT FURTHER RESOLVED that the Amending By-Laws be presented to City Council for all three readings.

- v) **PUBLIC HEARING/COMPREHENSIVE REPORT**
Zone Amendment Application-Technical Amendment
Westbrook Meadows Subdivision
Applicant: City of Kingston
(Planning File: D14-096-2007)

(Report No. PC-07-071 was distributed with the October 4, 2007 Agenda. Please bring your copy)
[Memorandum with **REVISED** recommendation is attached as Schedule Pages 113 - 114]

For discussion and approval of the following **REVISED** recommendation:

THEREFORE BE IT RESOLVED that it be recommended to Council that the Application for Zoning By-Law Amendment (File No. D14-096-2007) initiated by the City of Kingston to clarify the front yard depth provisions in the 'R1-58' Zone, **BE APPROVED**.

AND BE IT FURTHER RESOLVED that it be recommended to Council that the former Township of Kingston By-Law No. 76-26, as amended, be further amended as follows:

1. Section 12(3)(be)(c) is hereby amended by replacing the existing text in its entirety with the following:

“(c) Front Yard Depth (main structure, excluding any attached garage)

Minimum	3.5m
Maximum	6.5m

Notwithstanding the foregoing Front Yard Depth regulations, for Lots 1, 2, 3, 4, 5, 6, 18, 19, 21, 22, 26, 27, 32, 37, 42, 43, 44, 45, 46, 47, 50, 52, 53, 56, 57, 59, 60, 61, 62, 62, 66, 67, 70, 75, 76, 77, 78, 79 and 81 of Registered Plan 13M-67 only, the front yard depth shall be defined as the least horizontal dimension between the front lot line and the closest portion of the main structure, including any attached garage.

(Amending By-Law 2007-_____)”

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to Council for three readings.

vi) 2008 FEES REVIEW

(Report No. PC-08-008
(See Pages 101 - 111))

For discussion and approval of the following recommendation:

WHEREAS Section 69 of the *Planning Act* provides that local Councils may pass By-Laws establishing a tariff of fees intended to cover the anticipated costs to process applications made in respect of planning matters; and,

WHEREAS Council passed By-Law No. 2005-10 on December 14, 2004, as amended most recently by By-Law No. 2007-84, to establish a Tariff of Fees for planning applications in the City of Kingston; and,

WHEREAS the Planning & Development Department, in conjunction with other municipal Departments, undertook a broad review of the cost to provide the development review function in the City of Kingston and based on a financial model developed by the City's Finance Department, it was determined that the projected revenues generated by the current application fees paid to the Planning & Development and Engineering Departments fall short of covering the cost to administer the development review process:

THEREFORE BE IT RESOLVED that it be recommended to Council that the proposed fees for planning applications as set out in Exhibit “A” attached hereto be adopted for 2008 on the understanding that further adjustments to the Fee Schedule may be required once the broader fees review process is complete and Council has established its policy on cost recovery levels.

AND BE IT FURTHER RESOLVED that Council direct Planning & Development Staff to conduct an updated survey in 2008 of other Ontario Municipalities to determine their fee structure for planning applications together with the level of cost recovery that has been incorporated into their fee structure model.

7. OTHER BUSINESS

8. CORRESPONDENCE / DOCUMENTS

Memorandum from Mr. Wallace, Director, Planning & Development enclosing the Final Report – Downtown and Harbour Area Architectural Guidelines Study dated December 6, 2007 prepared by Baird Sampson Neuert Architects
[A copy was distributed separately on December 20, 2007 and you are requested to bring your copy]

Letter received from Ministry of Transportation respecting an application for Zoning By-Law amendment submitted by Bruce West and Sherry Gibbs at 2649 Highway 15 offering no objection to the amendment.
[A copy of the letter is attached as Schedule Page 112]

Memorandum received from Ms Tse, Senior Planner, referring to Report No. PC-07-071 relating to Zone Amendment Application for Westbrook Meadows Subdivision outlining a **REVISED** recommendation.
[A copy of the memorandum is attached as Schedule Pages 113 – 114]

E-Mail received from Ms Venditti, Manager, Development Approvals enclosing an e-mail from Mr. John Uliana, IBI Group respecting Westbrook Meadows Subdivision, Report No. PC07-071, indicating agreement with proposed zoning changes and stating he is unable to attend the meeting due to a prior commitment.
[A copy of the e-mail is attached as Schedule Page 115]

9. DATE OF NEXT MEETING

- The next meeting of the Planning Committee is scheduled for Thursday, **December 20, 2007** in **Council Chambers, City Hall** at 6:30 p.m.

10. APPLICATIONS RECEIVED / IN PROCESS

- i. **Official Plan & Zoning By-Law Amendment**
1110, 1112, 1128 Sunnyside & 2245 Mclvor Rd
Gary Oosterhof – Applicant
File No. – D09-013-2005 & D14-040-2005
Proposal: To permit commercial uses.
Status: Incomplete applications were submitted. We have been waiting for information since February 2006. New consultant indicated in February 2007 that applicant wants to keep files open and that information will be forthcoming.
- ii. **Official Plan, Subdivision & Zoning By-Law Amendment**
700 Gardiners Road
Arcturus Realty Corporation – Applicant
File No. – D09-024-2007 D12-023-2007 & D14-082-2007
Proposal: Redevelopment of former Nordx/CT site for residential, commercial and light industrial development.
Status: Incomplete applications, waiting for numerous supporting studies.
- iii. **Official Plan & Zoning By-Law Amendment**
653-663 Princess Street & 582 – 598 Victoria Street
Auburn Developments Inc. – Applicant
File No. – D09-025-2007 & D14-085-2007
Proposal: To permit an 11-storey student apartment building.
Status: Incomplete applications.

- iv. **Zoning By-Law Amendment**
455 Front Road
Vector Energy - Applicant
File No. - D14-039-2006
Information required from applicant.
Proposal: to permit power generation by a non-utility provider through the construction of 3 wind-turbines of 100 metres in height.
Status: Awaiting noise report.

APPLICATIONS RECEIVED / IN PROCESS (continued)

- v. **Zoning By-Law Amendment**
667 Cataraqui Woods Drive
Tim Horton Donut Limited – Applicant
Files No. D09-022-2006 & D14-065-2006
Proposal: To permit an automatic car wash, gasoline retail facility and associated convenience retail.
Information required from applicant.
Status: Applications on hold at request of Applicant.
- vi. **Zoning By-Law Amendment**
2500 Princess Street
1684426 Ontario Ltd. – Applicant
File No. D14-079-2007
File under review
Proposal: permit the construction of a retail store and associated uses, such as a restaurant.
Status: Incomplete application.
- vii. **Official Plan Amendment**
267, 283 & 295 Parkway Avenue
CaraCo Development Corporation – Applicant
File No. D09-028-2007
File under review
Proposal: to change designation of right-of-way from OS to residential.
Status: Incomplete application.
- viii. **Official Plan Amendment and Zoning By-Law Amendment**
993 and 1041 Princess Street
Kingston Shopping Centres Limited – Applicant
File Nos. D09-027-2007 and D14-089-2007
Proposal: To permit a commercial centre with a total of 55,742 m² (600,000 ft²) of retail floor area.
Status: Processing. Public Meeting held July 19, 2007.
- ix. **Zoning By-Law, Official Plan Amendment & Subdivision Application**
998 Highway # 15
Novatech Engineering Consultants Limited – Applicant
Files No. D14-087-2007, D09-026-2007 & D12-024-2007
Proposal: to develop 25.24 ha for single and multiple family dwellings seniors housing and commercial use.
Status: incomplete application. Waiting for supporting studies.
- x. **Official Plan Amendment and Zoning By-Law Amendment**

1150-1202 Division Street and 86 Dalton Avenue

KCAP King's Crossing Inc. – Applicant

File Nos. D09-029-2007 and D14-095-2007

Proposal: To remove the Environmental Protection Area designation and zone from a remnant pond (P4); reduce the front yard setback; reduce the parking requirement; and, reduce the setback from the EPA Zone for a hydro sub-station.

Status: Processing. Comprehensive Report scheduled for October 20, 2007.

APPLICATIONS RECEIVED / IN PROCESS (continued)

xi. Draft Plan of Subdivision

1102, 1106 & 1110 King Street West

Admiral's Walk Residence Inc. – Applicant

File No. D12-027-2007

Proposal: application to establish a subdivision consisting of one block

Status: Public hearing scheduled for December 6, 2007

xii. Zoning By-Law Amendment

2649 Highway No. 15

Bruce West and Sherry Gibbs – Applicant

File No. D14-099-2007

Proposal: to allow construction of semi-detached dwelling

Status: Public Hearing scheduled for December 6, 2007 and consideration of Comprehensive Report.

xiii. Zoning By-Law Amendment

1093 Midland Avenue

2135687 Ontario Ltd. - Applicant

File No. D14-100-2007

Proposal: to amend zoning to include outdoor storage as a permitted use, to be associated with a new retail building

Status: Public Hearing scheduled for December 6, 2007 has been cancelled. Official Plan amendment required.

xiv. Official Plan and Zoning By-Law Amendments

2611 Highway No. 15

Kingston Nurseries Inc. – Applicant

File No. D14-101-2007

Proposal: to develop a 3600 square metre garden centre on a 7.93 ha portion of the lot

Status: Public Hearing scheduled for December 6, 2007

xv. Official Plan and Zoning By-Law Amendments

1085 Gardiners Road

N.S. Investments Limited – Applicant

File No. D09-032-2007 & D14-106-2007

Proposal: To permit the construction of large format home improvement retail store.

Status: Applications being reviewed for completeness.

xvi. Zoning By-Law Amendments

321 Aragon Road

Michaela & Chuck Dickison – Applicant

File No. D14-105-2007

Proposal: Rezoning as a Condition of Consent

Status: Application being reviewed for completeness.

xvii Zoning By-Law Amendments
Administrative Amendment Hotel / Motel Parking
File No. D107-2007

Proposal: To harmonize the By-Law requirements across the municipality to ensure the provision of sufficient parking for patrons, and to include the requirement for bus parking on site.

Status: Public meeting scheduled for December 20, 2007

11. Applications Requested To Be Bumped Up To Planning Committee for Site Plan Control Approval:

- | | |
|--------------|--|
| D14-092-2007 | 1102, 1106, 1110 King Street (Elevator Bay)
<u>Owner:</u> Admiral Walk Residences Inc.
<u>Proposal:</u> Senior Citizen apartment proposed.
<u>Status:</u> The site plan application has not been received to date. |
| D14-075-2006 | 564 Tanner Drive
<u>Owner:</u> 1003379 Ontario Limited
<u>Proposal:</u> three storey, 160-bed long term care facility with an associated daycare centre and 23 bungalow style townhouses for seniors
<u>Status:</u> Site plan application has not been received to date. |
| D14-053-2006 | Marker Crescent (Conacher Drive)
<u>Owner:</u> Rock Bottom Holdings Inc.
<u>Proposal:</u> Condominium townhouses development.
<u>Status:</u> Site plan application has not been received to date. |
| D14-075-2006 | 2435 Princess Street
<u>Owner:</u> Peter Splinter
<u>Proposal:</u> four storey, 44 unit, residential apartment building, four storey office building, additional retail buildings and renovation of existing plaza
<u>Status:</u> Site plan application received (D11-160-2007) and being processed. |
| D14-062-2006 | 1150-1202 Division Street and 86 Dalton Avenue
<u>Owner:</u> KCAP King's Crossing Inc.
<u>Proposal:</u> 38,740 square metre retail power centre
<u>Status:</u> Site plan application received (D11-148-2007) and being processed. |

12. Approved Site Plan Items:

- D11-143-2007 KGH Redevelopment, 75 Stuart Street
D11-139-2007 Jessup Food & Heritage Ltd., 285 Queen Street

13. Applications Appealed to Ontario Municipal Board:

- D09-009-2004 Application For Official Plan Amendment
Catawaqui West Land Owners Group

Appealed on grounds City did not make a decision within 180 days. Hearing date set for February 19, 2008

D14-071-2006 Application For Zone Change
Caraco Development Corporation – 982 Nottinghill Ave
Council decision to Deny application appealed to OMB by applicant.

D11-127-2007 Application For Site Plan Control Approval
2112789 Ontario Inc. – 1009 Coverdale Drive
Proposed Pharma Plus & Coverdale Plaza (Three Phases)
Referral of Site Plan to OMB for Settlement (Final Access Design on Coverdale Drive)

14. ADJOURNMENT



ABEYANCE ITEMS

1. Streamlining Planning Approval Process – Delegation of Approval Authority for Consents (effective December 1, 2006)
 - i. Report from staff to Planning Committee after one year's time to assess effectiveness of the revised process for streamlining approvals and achieving internal efficiencies;
 - ii. If it is determined to have been successful, the report will include examining expanding the delegation of consent granting authority to include all "uncontested" consent applications. (abeyance item added August 21, 2006)